

fore the word "by" the following:
"for the use of such insurer."

Amendment No. 2.

Amend S. B. No. 415 by adding a new section immediately following Section 7 to be known as Section 8, to read as follows:

"Sec. 8. The State of Texas shall assess and collect an additional tax of one-half of one per cent on the gross premiums of all insurance affected by this Act of all insurers writing such insurances in this State, according to the annual reports made to the Commissioner as required by law. Said taxes when collected shall be placed in a separate fund to be known as the Insurance Department Miscellaneous Insurance Fund to be used for the sole and exclusive purpose of the administration of this Act and to be expended on appropriations made by the Legislature in carrying out the provisions of this law. Should there be an unexpended balance at the end of any year, it shall be transferred by the State Treasurer to the credit of the general revenue of this State."

Amend the caption of the bill to conform hereto.

Amendment No. 3.

Amend S. B. No. 415, Section 7, by striking out all of said Section 7 as it now occurs and inserting in lieu thereof the following:

"Sec. 7. Nothing in this Act shall be construed to prohibit the modification of any rates by an experience or merit rating plan, filed by it and approved by the Commissioner, designed to encourage the prevention and/or reduction of losses and to take account of the peculiar hazards of individual risks and of the particular plan of operation of such carrier; provided further that only one such plan for each form of insurance hereunder shall be approved for the same carrier."

Amendment No. 4.

Amend S. B. No. 415, Article 4862c, Section 1, by striking out the words "and/or Automobile" where they first occur in said section.

Amend the caption to conform hereto.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. K. M. Regan, President Pro
Tem of the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred H. B.

No. 828, amending Article 7257 of the Revised Civil Statutes of Texas of 1925, providing additional duties of the Tax Assessor and Collector, requiring an entry upon the tax rolls when payment of taxes has been made; providing for a seal for this office, and prescribing that such entry shall be taken as evidence of the payment of said tax, and declaring an emergency, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

FIFTY-SECOND DAY.

Senate Chamber.

Austin, Texas,

April 20, 1935.

The Senate at 9:44 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent.

Redditt. Shivers.

Absent—Excused.

Davis. Hopkins.
Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Woodruff.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

House Bill No. 456.

Pending business was the motion

to suspend the regular order and take up H. B. No. 456.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Payne:

H. B. No. 456, A bill to be entitled "An Act amending Subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of the holding of same; repealing Chapter 183, page 397, Acts of the Regular Session of the Forty-first Legislature, 1929; validating all processes, writs, bonds, and recognizances of every kind and character heretofore issued or entered and all grand and petit jurors drawn and selected under the existing laws by the various counties affected by this Act, that same shall be returnable to and said jurors serve for the next term of court in the various counties affected, after the taking effect of this Act; providing the time for this Act to take effect, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 456 was put

on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Senate Bill No. 4.

Senator Woodruff called from the table:

By Senators Neal and Westerfeld:

S. B. No. 4, A bill to be entitled "An Act authorizing municipalities, political subdivisions and taxing districts to proceed under the provisions of Federal Bankruptcy Laws enacted for the relief of such municipalities, political subdivisions and taxing districts; and declaring an emergency."

Senator Woodruff sent up the following amendment:

Amend S. B. No. 4, by adding in line 17, page 1, the following, between the words "included" and "are":

Except such as to such municipalities political subdivisions and taxing districts as are indebted to the permanent school fund of the State of Texas, or to any independent school district, city school district or common school district.

WOODRUFF.

Read and adopted.

The bill passed to engrossment by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nay—1.

DeBerry.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

House Bill No. 265.

Senator Holbrook asked unanimous consent to suspend the regular order and take up H. B. No. 265.

There was objection.

S. C. R. No. 39.

Senator Hornsby moved to take up out of order S. C. R. No. 39.

Senator Collie objected.

The motion prevailed by the following vote:

Yeas—14.

Beck.	Martin.
Cotten.	Pace.
Duggan.	Rawlings.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Sulak.
Isbell.	Van Zandt.

Nays—7.

Blackert.	Poage.
Collie.	Small.
DeBerry.	Westerfeld.
Oneal.	

Absent.

Burns.	Stone.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

The Chair laid before the Senate on its second reading the following resolution:

Ratifying the transfer of 16.66 acre tract near Camp Mabry to State Highway Department and authorizing Adjutant General's Department to acquire sufficient land for an adequate entrance to Camp Mabry.

S. C. R. No. 39 was adopted by viva voce vote.

Senate Resolution No. 82.

Senator Westerfeld sent up the following resolution:

Whereas, The term of office of the Honorable Byrd E. White, of Lan-

caster and Dallas, Texas, as one of the Directors of A. & M. College expired on last January 1st; and,

Whereas, For several years he gave unreservedly of his time and his private funds for the advancement and improvement of the public school system of Dallas County; and for the past twelve years he has given his undivided time and effort, his loyalty and deep devotion to the interests of A. & M. College; and,

Whereas, One of his most signal achievements was the bringing about of a harmonious relationship between the Regents of the University of Texas and the Directors of the A. & M. College, resulting in a satisfactory settlement of the prolonged and frequently debated issue of the proper division between the two institutions of endowment funds; now, therefore, be it

Resolved, That we express to him our grateful appreciation and commendation of his splendid, intelligent and untiring services, and of his deep devotion to the cause of educational advancement in Texas; and, therefore, be it further

Resolved, That, as a man who has dedicated much of his time and his fortune to education in Texas, and as a director of A. & M. College, the People of Texas shall ever hold him in their highest esteem, and shall ever be grateful for his great public service; and, be it further

Resolved, That a copy of this resolution be printed in the Senate Journal as a tribute to him and in recognition of the splendid service he has rendered Texas; and that a copy of same be dispatched by the Secretary of the Senate to the Honorable Byrd M. White, Lancaster, Texas.

WESTERFELD,	ONEAL,
HOLBROOK,	NEAL,
BURNS,	HORNSBY,
SHIVERS,	DUGGAN,
SANDERFORD,	SMALL,
PACE,	STONE,
COTTEN,	SULAK,
BECK,	BLACKERT,
POAGE,	MARTIN,
HILL,	RAWLINGS,
COLLIE,	WOODRUFF,

Senator Westerfeld asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. R. No. 82 be taken up and considered at this time.

Consent was granted.

S. R. No. 82, was adopted by viva voce vote.

Senators Excused.

Senator Woodruff asked to be excused for the remainder of the day on account of illness in the family.

Senator Hopkins was excused on account of illness in the family on motion of Senator Pace.

Senator Shivers was excused on account of important business on motion of Senator Sanderford.

Senator Redditt was excused on account of important business on motion of Senator Moore.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, April 20, 1935.

Hon. Ken M. Regan, President Pro Tem of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Referred.

H. B. No. 77, was referred to the Committee on Mining, Irrigation and Drainage.

Committee Appointment.

Senator Isbell was appointed on the following committees:

Agriculture, Banking, Criminal Jurisprudence, Congressional Districts, Education, Insurance, Vice-Chairman; Internal Improvements, Chairman; Judicial District; Privileges and Elections; Public Land and Land Office; State Affairs.

Senate Bill No. 17.

The Chair laid before the Senate on its second reading the following bill, which had been made special order on the calendar.

By Senators Collie, Beck and Oneal:

S. B. No. 17, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Senator Collie sent up the following amendment:

Amend S. B. No. 17 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That Article 650 of the Code of Criminal Procedure of the State of Texas be amended so as to hereafter read as follows, to-wit:

Article 650. Any defendant jointly indicted with others for an offense growing out of the same transaction, or any defendant who may be separately indicted for an offense for which others are likewise indicted, may ask for a severance and separate trial, and petition the court to set the order of their respective trials. Such severance and separate trial, however, shall not be a matter of right, but shall be in the sound discretion of the court, and be allowed only when in the opinion of the court the ends of justice require it.

In the event the court shall in his discretion allow a severance and separate trial, then he shall proceed to fix the order in which the defendants may be tried.

Sec. 2. That Article 651 of the Code of Criminal Procedure shall hereafter be so amended as to read as follows, to-wit:

Article 651. In seeking a severance and separate trial, in the trial of capital cases, the application for same shall be filed and heard on or before the date for which the venire

is to appear, and before the date fixed for trial.

Sec. 3. The widespread demand for law enforcement in Texas and the unreasonable and unnecessary delay in the trial of criminal cases brought about by the articles to be amended by the foregoing act, together with the fact that under the present procedure in criminal cases where severances are granted, the state and the counties are put to a tremendous expense by reason of having to change the venue in many cases and by the continuance of other cases, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

COLLIE.

Read and pending.

Adjournment.

Senator Moore at 12 m., moved that the Senate adjourn until 10 a. m., Monday.

Senator Van Zandt moved that the Senate adjourn until 9:30 Tuesday morning.

The motion to adjourn until Tuesday prevailed by viva voce vote.

Vote Recorded.

The following Senators asked to be recorded as voting "no" on adjournment until Tuesday, Senators Poage, Oneal, DeBerry and Hornsby.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 482 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 505 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 497 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 4 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 502, A bill to be entitled "An Act amending Section 3, of S. B. No. 247, Chapter No. 158, page 400, Acts of the Regular Session of the Forty-third Legislature, 1933, empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children; and to cooperate with the Department of Education in providing equipment for and instruction of same; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 502, on page 1 by striking out the last word in line 29 and all of line 30-31-32 and the words "Orthopedic Surgery" in line 33—Insert in lieu thereof the following:

"to procure medical and surgical service for crippled children, provided that only physicians legally qualified to practice medicine and surgery in Texas be employed for purposes of diagnosis and treatment, that not more than the customary minimum fees be paid for such services, and that physicians or surgeons so employed shall be approved by

the State Board of Health as qualified to render such service."

Committee Amendment No. 2.

Amend H. B. No. 502, on page 2 by striking out lines 2 to 13 inc. Substitute in lieu thereof the following:

"The Rehabilitation Division of the State Department of Education is directed to provide in Rules & Regulations, the necessary details for the conduct of this work, in accordance with the purposes of this act, which shall permit as far as possible, the free choice of patients in their selection of physicians and hospitals, and shall arrange with hospitals, brace departments and other services providing for crippled children's work, compensation for such services, provided that such fees or charges shall not exceed the average minimum charges for the same services rendered to average ward patients in the hospitals approved for purpose of this Act—Such Rules and Regulations shall be approved by the State Department of Education."

Committee Amendment No. 3.

Amend the caption of H. B. No. 502 to include the words "approved by the Board of Control" after the word "hospitals" in line 39, page 21.

Committee Amendment No. 4.

Amend Caption of H. B. No. 502 to conform to all changes made herein.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 472, A bill to be entitled "Authorizing the State Highway Commission of Texas to provide for the removal of the bridges obstructing the construction of the Intracoastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Vice-Chairman.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 13, A bill to be entitled "An Act to amend Chapter 39, of the General and Special Laws of the Forty-second Legislature, which was an Act 'providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency,' so that hereafter said law shall not embrace, apply to, or include Nacogdoches County, and declaring an emergency"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 14, A bill to be entitled "An Act repealing S. B. No. 285, Chapter 14, Acts of the Regular Session of the Forty-second Legislature, providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 23, 1935.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and

was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 17.

Pending business was S. B. No. 17 with pending amendment by Senator Collie.

Senate Bill No. 515.

Senator Small sent up the following bill:

By Senator Small:

S. B. No. 515, A bill to be entitled "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same and designating the powers and duties of such districts; prescribing that the county judge and commissioners' court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of